

104TH CONGRESS  
1ST SESSION

# S. 1289

To amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 25), 1995

Mr. KYL (for himself, Mr. NUNN, Mr. HELMS, Mr. BENNETT, Mr. KEMPTHORNE, and Mr. FAIRCLOTH) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Senior Citizens Health  
5       Care Freedom to Contract Act of 1995”.

6       **SEC. 2. FACILITATING THE USE OF PRIVATE CONTRACTS**  
7       **UNDER THE MEDICARE PROGRAM.**

8       (a) IN GENERAL.—Title XVIII of the Social Security  
9       Act (42 U.S.C. 1395 et seq.) is amended by inserting after

1 section 1804 of such Act (42 U.S.C. 1395b-2) the follow-  
2 ing new section:

3 “CLARIFICATION OF PRIVATE CONTRACTS FOR HEALTH  
4 SERVICES

5 “SEC. 1805. (a) IN GENERAL.—Nothing in this title  
6 shall prohibit a physician or other provider from entering  
7 into a private contract with a medicare beneficiary for  
8 health services for which no claim for payment is to be  
9 submitted under this title.

10 “(b) LIMITATION ON ACTUAL CHARGE NOT APPLI-  
11 CABLE.—Section 1848(g) shall not apply with respect to  
12 a health service provided to a medicare beneficiary under  
13 a contract described in subsection (a).

14 “(c) MEDICARE BENEFICIARY.—For purposes of this  
15 section, the term ‘medicare beneficiary’ means an individ-  
16 ual who is entitled to benefits under part A or enrolled  
17 under part B.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall apply with respect to contracts entered  
20 into on and after October 1, 1995.

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